REMARKS

Claims 1-20 are pending in this application, with claims 1-11 and 17-20 withdrawn from consideration. Claims 1-11 and 17-20 are canceled without prejudice or disclaimer, and claims 12, 13 and 16 are amended herein. Upon entry of this amendment, claims 12-16 will be pending. The title of the invention is also amended. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. Support for the amendments to the claims is detailed below.

The title of the invention is objected to as being too long and not indicative of the currently claimed method. (Office action paragraph no. 2)

Reconsideration of the objection is respectfully requested in view of the amendment to the title.

With regard to the length, Applicant notes that the title of an invention may be up to 500 characters. The amended title, as well as the original title, are well under that limit.

Applicant respectfully notes that the Examiner has not explained how the title is not indicative of the invention. Applicant assumes that the Examiner is referring to the fact that claims 1-11 and 17-20 have been withdrawn as a result of the restriction requirement, and that only method claims 12-16 are examined. Since Applicant has herein canceled the product claims, Applicant has

amended the title to recite "METHOD FOR PRODUCING AN OXIDATION-RESISTANT RARE EARTH METAL-BASED MAGNET POWDER," consistent with the preambles of claims 12-16.

Claims 12-16 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Office action paragraph no. 4)

The Examiner states that the term "rare earth metal-based magnet powder" is confusing because "based" is not defined, and the Examiner states that the term will be understood as "rare earth containing magnet alloy powder."

The rejection is overcome by the amendments to the claims, replacing the term "metal-based" with --metal-containing--. Applicant submits that it can be understood from the specification, for example at page 1, line 18, that this was the intended meaning of the term "metal-based." Reconsideration of the objection is respectfully requested.

Claims 12 and 15-16 are rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over European patents EP-102246 (EP '246) or EP-231599 (EP '599). (Office action paragraph no. 7)

Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over European patents EP-102246 (EP '246) or EP-231599 (EP '599). (Office action paragraph no. 8)

The Examiner cites paragraphs [0034]-[0037], [0196]-[0205], [0212]-[0213] of EP '246 and paragraphs [0036]-[0042], [0264]-[0269] and [0277]-[0278] of EP '599. The Examiner implies that each of the references discloses the limitations of the claims, and that the "primary component" limitation is considered inherent.

These rejections of claims 12-16 are overcome by the amendments to claims 12 and 16. Claims 12 and 16 have been amended to recite that the rare earth metal-containing magnet powder used in the method has "an average particle diameter (major axis diameter) in the range of 80 μm to 200 μm." Claims 12 and 16 have also been amended to recite that the pigment used in the method has "an average particle diameter (major axis diameter) in the range of 0.01 μm to 0.5 μm."

Support for the amendment to claims 12 and 16 reciting that the average particle diameter (major axis diameter) of the rare earth metal-containing magnet powder is in the range of 80 μm to 200 μm, may be found in the disclosure of a particle diameter of 200 μm or smaller in the specification at page 19, lines 20-22, and original claim 7, and in the disclosure of a lower limit of 80 μm in the specification at page 20, line 1. Support for the amendments to claims 12 and 16 that the average particle diameter (major axis diameter) of the pigment is in the range of 0.01 μm to 0.5 μm, may be found in original claim 6.

In the inventions described in EP '246 and EP '599, the size of magnet powder is on the scale of nanometers, and does not meet the limitation of 80 μm to 200 μm of the amended claims. For example, in EP '599, the core magnetic particles have an average particle diameter of 0.02 to 0.20 μm (see paragraph [0047]). In EP '246, the magnetic core particles are acicular, and have an average

major axial diameter of 0.05 to 0.34 μm (paragraphs [0038]-[0039]). The magnetic particles of the references are therefore at least 235 times smaller in diameter than those of the amended claims.

In addition, Applicant notes that in the references, the magnetic particle size is similar to that of the pigment, and is at most 10 times that of the pigment. On the contrary, in the present invention, the size of the magnet powder is 80 μm to 200 μm, and it is more than 100 times the size of pigment. This is a significant structural difference from the references, and there is no suggestion or motivation for the size limitations of the present invention in the references.

Accordingly, claims 12-16 are not anticipated by or obvious over EP '246 and EP '599, taken separately or in combination.

Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over European patents EP-102246 (EP '246) or EP-231599 (EP '599) as applied to claims above, and further in view of Kageyama. (Office action paragraph no. 9)

Reconsideration of the rejection is respectfully requested in view of the amendment to claim 12. As discussed above, claim 12 has been amended to limit the average particle diameters of the rare earth metal-containing magnet powder and the pigment, and there is no suggestion or motivation in EP '246 or EP '599 for the recited limitation on the average particle diameter of the rare earth metal-containing magnet powder.

Kageyama is cited at column 4, lines 38-46, as disclosing "obtaining by filtration a powder having adhered to the surface thereof the treating solution containing the pigment." However,

Kageyama does not provide any motivation for modifying the particle diameter in EP '246 or EP '599, and claim 13 is not obvious over EP '246, EP '599 and Kageyama, taken separately or in combination.

Claims 1-15 [sic] are rejected under 35 U.S.C. §102(e) as being anticipated by Kishimoto et al. (Office action paragraph no. 10)

The Examiner presumably meant to reject claims 12-15.

The rejection is overcome by the amendment to claim 12. The Examiner cites column 5, lines 37-50, column 15, lines 14-20, and column 16, lines 22-31, as showing the method of the present claims. However, the magnetic particles in Kishimoto '811 have a particle size of 5 to 200 nm (column 12, line 58), far smaller than the lower limit in the recited range of 80 μm to 200 μm in claim 12. In fact, the magnetic recording medium in Kishimoto '811 has an average thickness of 0.3 μm or less. This is completely inconsistent with the average particle size of the present invention.

Claims 12-15, as amended, are therefore not anticipated by, or obvious over, Kishimoto '811.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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